THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19203 of 2006

Date:05-06-2007

Between:

Nimma Padma

.. PETITIONER

AND

The Superintendent of Police, Karimnagar and two others.

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the 3rd respondent in not registering the case on her private complaint referred by the Judicial Magistrate of First Class, Husnabad vide C.F.No.2193 of 2006, dated 17.05.2006 and in not taking up the investigation, as illegal and arbitrary.

The case of the petitioner is that for the harassment meted out by her husband and in-laws for payment of additional dowry and for subjecting her to cruelty physically and mentally, she filed a report before the Station House Officer, Bejjanki Police Station, but no action has been taken by the police and therefore, she filed private complaint before the Judicial Magistrate of First Class, Husnabad for the offence under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act on 17.05.2006. The said complaint was referred to the 3rd respondent for investigation under Section 156(3) Cr.P.C. vide C.F.No.2193 of 2006 and the same was dispatched vide Dis.No.638/2006 and the 3rd respondent received the said complaint on 23.05.2006, but he did not register the crime and therefore, the petitioner alleges that the 3rd respondent in collusion with the accused persons deliberately failed to issue F.I.R. and register the case.

A counter has been filed by the first respondent stating that pursuant to the receipt of private complaint, crime was registered only on 15.09.2006 and thus, there was a delay of four months in registering the crime and therefore, charge memo dated 16.09.2006 was issued to the said Sub-Inspector of Police to explain as to why necessary action shall not be taken against him for not registering the crime immediately after receipt of the private complaint from the concerned Magistrate for enquiry and report under Section 156(3)

Cr.P.C. It is stated that the disciplinary proceedings are pending against the concerned officer.

The counter has been filed on 19.10.2006. It is not known whether any action has been taken by the police against the Sub-Inspector of Police, who delayed the matter for a period of four months. Whenever any private complaint has been referred by the magistrate, there is no other option for the police concerned except to register the case.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to expedite the disciplinary action initiated against the third respondent and take appropriate action in accordance with law. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:05.06.2007
ccm